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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,296	03/04/2004	Kazuhito Gassho	Q80179	3148
72875	7590	11/16/2007		
SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037			EXAMINER RODRIGUEZ, LENNIN R	
			ART UNIT 2625	PAPER NUMBER
			NOTIFICATION DATE 11/16/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/792,296

Applicant(s)

GASSHO ET AL.

Examiner

Lennin R. Rodriguez

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-10 and 12-17 is/are rejected.
- 7) ☒ Claim(s) 7 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/04/2004, 2/01/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figure 9 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 2 recites the limitation "the job" in line 6. There is insufficient antecedent basis for this limitation in the claim. It is not clear as to whether the applicant is referring to the divided job or the whole job.

4. Claim 13 recites the limitation "the job" in line 6. There is insufficient antecedent basis for this limitation in the claim. It is not clear as to whether the applicant is referring to the divided job or the whole job.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 7-10, 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama Tetsuro (JP 2001-243091, see applicant's submitted machine translation) in view of Owen et al. (US Publication 2004/0156064).

(1) regarding claims 1 and 12:

Tetsuro '091 discloses a log transmission device that transmits a log to a management server at every preset log transmission timing, said log transmission device comprising:

a log storage control module (database 925) that stores a log generated after a previous log transmission timing into a log storage module (paragraph [0042], lines 10-14, where it holds until a specified amount of time passed);

a log transmission timing specification module that determines whether a current time is a log transmission timing (paragraph [0042], lines 2-3); and

a log transmission control module (924 timer) that, when said log transmission timing specification module determines that the current time is a log transmission timing, sends the log stored in said log storage module to the management server (paragraph [0042], lines 13-14),

Tetsuro '091 discloses all the subject matter as described above except wherein said log storage control module divides a job into multiple sections and stores a log relating to the job into said log storage module on completion of every one divisional section of the job, when a predetermined job division condition is fulfilled.

However, Owen '064 teaches wherein said log storage control module divides a job into multiple sections (paragraph [0041], lines 1-5, where the job is being divided into different SETS) and stores a log relating to the job into said log storage module on completion of every one divisional section of the job, when a predetermined job division condition is fulfilled (paragraph [0043], lines 19-28, where the print log is being updated every time a page is finished).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have said log storage control module divides a job into multiple sections and stores a log relating to the job into said log storage module on completion of every one divisional section of the job, when a predetermined job division condition is fulfilled as taught by Owen '064 in the system of Tetsuro '091. With this the system can increase the speed at which the print job can be printed (paragraph [0004]).

(2) regarding claims 2 and 13:

Tetsuro '091 further discloses wherein said log storage control module stores a log relating to a job into said log storage module on completion of the whole job when a next job transmission timing does not come before completion of the job (paragraph [0042], lines 10-14, where it holds until a specified amount of time passed), when the

next job transmission timing comes before completion of the job (paragraph [0042], lines 2-4, where the timer starts communication at a certain time).

Tetsuro '091 discloses all the subject matter as described above except while dividing a job into multiple sections and storing a log relating to the job into said log storage module on completion of every one divisional section of the job.

However, Owen '064 teaches while dividing a job into multiple sections (paragraph [0041], lines 1-5, where the job is being divided into different SETS) and storing a log relating to the job into said log storage module on completion of every one divisional section of the job (paragraph [0043], lines 19-28, where the print log is being updated every time a page is finished).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that while dividing a job into multiple sections and storing a log relating to the job into said log storage module on completion of every one divisional section of the job as taught by Owen '064 in the system of Tetsuro '091. With this the system can increase the speed at which the print job can be printed (paragraph [0004]).

(3) regarding claims 3 and 14:

Tetsuro '091 further discloses wherein said log storage control module determines whether an expected end time of a job estimated according to contents of the job comes to or after the next log transmission timing, in order to determine whether the next job transmission timing comes before completion of the job (paragraph [0042], lines 10-14, where it holds until a specified amount of time passed, thus the system knows if it is before the job is completely done).

(4) regarding claims 4, 6 and 15:

Tetsuro '091 further discloses wherein said log storage control module determines whether an execution start time of a job is within a preset approaching range, which is close to the next log transmission timing, in order to determine whether the next job transmission timing comes before completion of the job (paragraph [0042], lines 10-14, where it holds until a specified amount of time passed, thus the system knows if it is before the job is completely done, where "preset approaching range is interpreted a predetermined time).

(5) regarding claims 5 and 16:

Tetsuro '091 further discloses wherein said log storage control module stores a log relating to a print job into said log storage module on completion of the whole print job when a next job transmission timing does not come before completion of the print job (paragraph [0042], lines 10-14, when the next job transmission timing comes before completion of the print job (paragraph [0042], lines 2-4, where the timer starts communication at a certain time).

Tetsuro '091 discloses all the subject matter as described above except where it holds until a specified amount of time passed, while storing a log relating to a print job into said log storage module on completion of every one page included in the print job.

However, Owen '064 teaches where it holds until a specified amount of time passed, while storing a log relating to a print job into said log storage module on completion of every one page included in the print job (paragraph [0043], lines 19-28, where the print log is being updated every time a page is finished).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made where it holds until a specified amount of time passed, while storing a log relating to a print job into said log storage module on completion of every one page included in the print job as taught by Owen '064 in the system of Tetsuro '091. With this the system can increase the speed at which the print job can be printed (paragraph [0004]).

(6) regarding claim 8:

Tetsuro '091 discloses all the subject matter as described above except said log transmission device being mounted on a network printer.

However, Owen '064 teaches said log transmission device being mounted on a network printer (paragraph [0050], lines 1-9 and Fig. 7, where the transmission of the logs is being performed from the printer).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that said log transmission device being mounted on a network printer as taught by Owen '064 in the system of Tetsuro '091. With this the system can increase the speed at which the print job can be printed (paragraph [0004]).

(7) regarding claim 9:

Tetsuro '091 further discloses said log transmission device being mounted on a network computer that outputs a printing instruction to a printer (paragraph [0042], lines 1-2, where it specifically says that the log is transmitted from the computer).

(8) regarding claims 10 and 17:

Tetsuro '091 further discloses wherein the log includes job identification information for identifying a job related to the log (paragraph [0043], lines 6-9, where each job has an ID).

Allowable Subject Matter

7. Claims 7 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to disclose wherein said log storage control module determines whether an expected end time of a print job estimated according to a paper size and a number of pages to be printed in the print job comes to or after the next log transmission timing, in order to determine whether the next job transmission timing comes before completion of the print job; and wherein said log transmission control module sends the log to a management server, which evaluates validity of a contract made by a dealer with a registered user to permit the use of multiple apparatuses with said log transmission device mounted thereon for a predetermined time period at a flat rate.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lennin R. Rodriguez whose telephone number is (571) 270-1678. The examiner can normally be reached on Monday - Thursday 7:30am - 6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lennin Rodriguez
11/12/07

A handwritten signature in black ink, appearing to read 'King Y. Poon', with a stylized, cursive script.

KING Y. POON
SUPERVISORY PATENT EXAMINER